

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
May 8, 2012
7:00 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Goldstein
City Manager Owens
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the April 24, 2012 minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the April 24, 2012 minutes. Alderman Maddox-Dallas seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

Mayor Goldstein welcomed Aldermen Boulton and Berger to the Board.

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR BAR LES FRERES 7637 WYDOWN BOULEVARD

Alderman Harris moved to open the public hearing to consider Resolution No. 12-12, a request for a conditional use permit for Bar Les Freres located at 7637 Wydown Blvd. and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and resolution to consider approving a Conditional Use Permit for the operation of a restaurant to be known as Bar Les Freres at the subject location (formerly Wydown Shoe Repair).

Bar Les Freres will occupy 800 square feet and seat 27 patrons inside the restaurant, including 5 seats at the bar. The outdoor dining area proposes to accommodate an additional 22 patrons, for total customer seating of 49.

Since the establishment will have a full bar, it does not meet the zoning definition of a wine bar and therefore, at least 51-percent of its revenue must be from the sale of food. The applicant has indicated that the menu will be simple and change frequently.

The applicant also indicates that a maximum of five people will work any given shift. Parking spaces are available behind this building as well as behind 7624 Wydown, which is occupied by I Fratellini, a restaurant under the same ownership.

The proposed hours of operation are 4:00 p.m. - 12:00 a.m., Monday through Saturday. Deliveries to the restaurant will be made through the rear doors. A dumpster located at the rear of the building will be used for refuse disposal.

Exterior alterations include the restoration of the arched windows, creating an outdoor dining area, providing handicapped accessibility and window signage.

The Plan Commission considered the request for the Conditional Use Permit at its May 7, 2012, meeting. At the time this memorandum was prepared, the Plan Commission had not yet reviewed the request; therefore, staff will verbally provide the Board with the Commission's recommendation at the Board meeting. The Architectural Review Board will also have considered the proposed exterior alterations and outdoor dining at its May 7, 2012, meeting.

Recommendation is to approve a Conditional Use Permit for the operation of Bar Les Freres at 7634 Wydown Boulevard.

Susan Istenes explained that the request for Board action was written prior to the Planning Commission's approval and updated the Board on the additional requirements that the Planning Commission recommended.

Mayor Goldstein explained that the request for the Conditional use Permit was expedited due to the cancellation of the April 16 Plan Commission meeting.

In response to Alderman Harris' question, Ms. Zoe Robinson, owner, stated that the space will be a small petite bar/café. The café has a small kitchen and they will be serving food and drinks. She said that her lease prohibits them from serving coffee due to the Starbuck's restaurant that is leased with the same property owner. She explained that Les Freres is the French translation for brothers. They hope to begin construction within the next two weeks and have the café completed within 12-14 weeks.

In response to Mayor Goldstein's question, Ms. Robinson said that they will be providing outdoor dining.

Alderman Harris moved to close the public hearing to consider Resolution No. 12-12, a request for a conditional use permit for Bar Les Freres. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Harris moved to approve Resolution No. 12-12, granting a conditional use permit for 7637 Wydown Boulevard. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER THE REPEAL OF CHAPTER 410, ARTICLE XIII, (GUIDELINES FOR TREE PRESERVATION) AND ENACTING A NEW CHAPTER 405, ARTICLE XXIX, (RESIDENTIAL TREE AND LANDSCAPE REQUIREMENTS) OF THE CITY'S ZONING REGULATIONS

City Manager Owens reported that this request is for the Board of Aldermen to consider amending the City's Zoning Regulations to adopt text amendments which would provide standards for the protection, preservation and replacement of trees in residential zoning districts under certain conditions.

These requirements will apply to all proposed development or redevelopment on private, residential property when site plan review and Architectural Review is required by the City's Zoning Regulations.

The City currently operates under policy guidelines with respect to tree removal and replacement. The policy is applicable to residential and non-residential properties and requires that when trees of one caliper inch or more in diameter are removed, they are to be replaced on-site with similar species. If the amount of caliper inches removed cannot be replaced on site, the developer is required to contribute to the City's Forestry Fund at a rate of \$120 per lost caliper inch.

In order to advise the public of this pending amendment, staff posted the proposed ordinance on the City's web site on January 12, 2012. Staff has received a few comments from the public and the design industry during the comment period and they have had a number of discussions when it was considered at the Planning and Zoning Commission and also the Board of Aldermen has taken this issue up in the discussion session. It is staff recommendation to approve the text amendment to Chapters 410, 405 and 500 of Title IV of the City's Land Use Code as proposed.

Alderman Harris introduced Bill No. 6314.1 to consider approving an amendment to the Clayton Municipal Code, Chap. 405, residential landscape to be read for the first time by title only. Alderman Maddox-Dallas seconded.

Mayor Goldstein reminded the Board that during the last discussion of this agenda item they made some changes to the recommendation that the Plan Commission submitted to the Board. She announced that Harold Sanger, Chairman of the Plan Commission and Architectural Review Board was present tonight to speak to the Board on behalf of the Commission.

Susan Istenes pointed out a change in the ordinance, page 7, item 5 currently reads: *"Any existing tree on a site which was removed within one year preceding the date of an application for a **building permit** or site plan review shall be replaced in accordance with the requirements herein."*

Should read: *"Any existing tree on a site which was removed within one year preceding the date of an application for **Architectural Review Board for site plan** review shall be replaced in accordance with the requirements herein."* and add: *"just referencing Architectural Review Board."*

In response to Alderman Winings' question regarding the reference to Section 405.4020, clause #2 is an incorrect cross reference, which should be Section 400.140, Ms. Istenes stated that she will check those sections.

Mr. Harold Sanger, Chairman, Plan Commission/ARB, addressed the Board summarizing the history and recommendations of the proposed amendments. He said that the current Board of Aldermen and many other boards before them made some decision in terms of what they wanted the concept in the city to be, what they wanted the city to look like and that is why Clayton is a leader in green initiatives and also why Clayton is a Tree City. The ARB takes what

they believe the current Board of Aldermen and previous Boards have wanted to do, as well as what the Plan Commission/ARB believes is the right thing to do for the community and that's why they go forward with suggestions for ordinances and rules and regulations. This issue came about because over a period of time the City has had a lot of development, especially in Ward 3, where they have lost a lot of canopy. The requirements that were in place basically says to submit a landscape plan and the city will see if it's liked or not, which is arbitrary when there is a situation where the city wants the community to look a certain way. There were guidelines and rules established with some things in zoning ordinances which then was combined everything and put it together as a tree ordinance. He said that the city is not "plowing" new ground, but that there are other communities in the area that have similar types of ordinances. The issue is that when a big oak tree that has been growing for 50-60 years comes down it is a loss and they believe that even though the city encourages development in-fill they should make every effort possible to keep the canopy – or keep the big old trees. He thinks that what has happened now is developers are replacing large canopy trees with much smaller, Japanese miniature trees that will only grow to be six to eight feet tall resulting in never getting the shade back that was lost. He said that some people are saying this is over regulations and the city shouldn't be deciding this, but in reality they are not regulating any more in the current ordinance than they were previously. He noted that the ARB regulates the color of shingles, brick, and regulate a lot of things as to what a house should look like and they are dedicated to making sure that when new houses or buildings are built they will fit into the neighborhood. With Clayton being a Tree City it just seems to be a natural thing that the ARB should have the power to regulate when trees have to come down in terms of construction of any kind and what trees should take their place. ARB does not feel this is overkill, but an extension of what they already do and at the moment the fees that they are requiring for the removal of trees is not a deterrent. He said that currently there is no regulation to take down a 20-inch or 40-inch tree on a homeowner's property; regulation is only for any construction involved project. He said that they believe that there are times when construction is done and trees are taken down that the construction can be changed to some degree to save a tree. He believes that this is the intent of ARB and also the intent of the current Board Alderman and those before. He referenced that his cousin built a deck around an existing tree which was a great solution.

Alderman Berger commented that Mr. Sanger's clarity is appreciated. He thinks that the Plan Commission has always protected trees which was in light of development, tear down and replacement that really didn't suffice. Although he is in total support of Mr. Sanger's statement he doesn't understand the process of if he went before the Plan Commission with an addition to his home will he then be required to put more trees on his property.

Mr. Sanger said that if Alderman Berger would be taken trees out for the construction of an addition then it would trigger a payment to the fund or the replacement of the tree calipers and that there would be no requirement for any additional trees.

Mayor Goldstein stated that the issue has a little confusing and the example that Aldermen Berger raised and the explanation that Mr. Sanger gave is the city's current practice. She said that the legislation consolidates and formalizes the city's current practice with the exception that the penalties are higher. She said that there are examples throughout the community where construction takes place and large trees are removed and not replaced or replaced by much smaller trees. This then creates subsequent other problems such as storm water run-off, lack of shade and a variety of other issues.

Mr. Sanger added that the ARB is also working on a storm water ordinance to present to the Board of Aldermen.

In response to Alderman Garnholz's question, Susan Istenes explained that the current code requires that the developer preserve or replace trees. The Plan Commission/ARB makes sure that the trees and canopy is preserved, but when it comes to the cost of \$120 per caliper inch lost and examining the tree plant and property this is all written in a policy that is not directly connected to a specific ordinance.

Mr. Sanger said that this of course makes it difficult when a landscape plan is submitted and asked how they could really put a measurement on it if they don't have the specifics.

Mayor Goldstein commented that she is happy Mr. Sanger is here tonight to answer the questions because they have looked at this issue for a long time and he could better understand the rationale for the change.

Alderman Garnholz stated that she is totally supportive of the intent and supportive of applying the entire ordinance for completely new construction whether or not it is commercial or residential. But when she thinks of it applying to a deck or an addition and thinks of the size of the lots in her neighborhood she has difficulty with the kind of proposed mandates for the replacement of trees.

In response to Alderman Garnholz's comment, Mr. Sanger stated that the Board will have to make a decision as to what they want the city to look like in terms of landscaping and feels that her concerns regarding the proposed is probably an anomaly and doesn't see that happening very often. He said that there has to be a decision made in terms of what the city will protect and what the city will look like. He said that the city has lost a lot of canopy especially in Clayton Gardens and in Old Town.

Alderman Garnholz asked why should the ordinance apply to additions and decks.

Mr. Sanger said that it should apply to new and any construction and we should have the ability to say that a tree is very valuable. He said that if someone is going to put an addition on their house in Clayton they need to consider the fact that they will need to put another tree up or pay for the tree that has lived in the community longer than anyone to come down and that is the decision that the Board will have to make.

Alderman Maddox-Dallas expressed that this is her backyard and feels that if she wants to do an improvement that increases the value of her house she doesn't want it to be legislated. She said that in Ward 1 they have very small lots and is concerned that if (using a scenario) her neighbor has already cut down all of their trees and now she wanted to cut down a tree then she would be fined or penalized, or micro-managed by the government. She said that this is why policies and guidelines are in use for individual situations as opposed to enforcing it through a law.

In response to Alderman Boulton's question, Susan Istenes said that under the new ordinance the cost to replace a tree depends on how it is classified and could cost as much as \$400 per caliper inch that is not replaced. She explained that by code the largest tree is considered a landmark tree and if it was a deciduous tree it would be exceeding 19 inches.

In response to Alderman Boulton's question, Mayor Goldstein explained that the new ordinance would begin if a tree is being replaced by a structure, but if a property owner doesn't like a tree in their yard they can cut it down at any time.

Alderman Maddox-Dallas added that ultimately she would be charged for an addition that increases the value of her property and increase her property tax and her neighbors, but not get

penalized for just cutting down a tree. She said that she completely understands the ordinance for a new construction which she is in favor.

Mayor Goldstein said that some can feel that the existence of the tree is more valuable than whatever addition is put on a property and that there can also be a philosophical conversation about the value of trees in a community versus new build.

Alderman Harris said that she is supportive of *Tree City* and having the big picture policy about how the city will look and what kind of leadership position they will have with regard to preserving trees. She is very interested in the coming storm water recommendations that Mr. Sanger mentioned. She is concerned that some projects are so small compared to larger additions and new builds in terms of their impact on the footprint and the environment in general. She said that the price value ratio could get skewed and unreasonable which will result in some people deciding not to do their small project because of the cost of the tree replacement or the large contribution to the fund. She said that her goal for this issue was to mitigate her concerns that were raised by excluding smaller projects or possibly placing a “cap” on those projects.

Mr. Sanger said that in some degree it does include a “cap” because the City Manager can approve additions to homes as long as they do not exceed a certain percentage.

Susan Istenes explained that there are reasons why the City Manager may not want to approve those additions administratively, especially if he recognizes that the neighborhood may not support the proposed addition.

Alderman Winings recalled that the Board discussed whether or not to include a “*not to exceed number*” based on the value of the project, so that the payment to the tree fund could not exceed 50% of the overall value of the project.

Alderman Maddox-Dallas recalled that they also discussed where the line is between what is put in an ordinance *versus* administrative guideline’s and procedures and the ability to look at each project individually and decide on a case-by-case basis. She stressed that she is not concerned about the fee structure.

Susan Istenes added that there are some terms of flexibility in the ordinance.

Alderman Winings proposed an ideal that when a site plan is triggered there would be no cap, but if ARB is triggered, generally speaking of smaller projects, then the value based formula could apply.

Mr. Sanger suggested that they may want to also consider if the project qualifies for administrative approval than it would not trigger a review by ARB.

Mayor Goldstein said that is an important distinction, because if this area is left open someone could then accuse staff of sending everything to ARB just so it would have to have a site plan review. If it qualifies for administrative review than it becomes a non-issue whether it goes to the ARB or is administratively approved.

Alderman Berger commented that for the many times that he has sat in on the Plan Commission meetings over the years he has witnessed them making restrictions on what people can and cannot do with their homes. There are Urban Design Districts in every ward which make very specific limitations on what can be done. He recalled that Mr. Sanger well remembers decisions made on a front facing garage on Davis Place Drive, discussion on whether a carport can be

built, or if there can be 75% of a house with siding. He said that tonight's proposed changes are just refining the ordinance, but what scares him a bit is that they are drilling down into some very "murky" areas and being very specific. Although he respects the topic as it is brought up, he is very concerned about administration. He said that they are building in some options already, but the deeper they go into the "murkiness" of exception the less objectivity and fairness there will be of an outcome and he wants to put caution to that, but thinks what they are trying to do is a really good thing and does not see it at all as an extreme.

Mayor Goldstein stated that she would like to know how the Board would like to vote on the issue and asked for feedback.

Alderman Winings said that he would prefer a "cap" applied to smaller types of projects that qualify for administrative approval.

Alderman Harris read from the list of projects that meet administrative approval: signage, awning replacement, window replacement, façade changes not affecting the buildings character, mechanical equipment screening, fences and retaining walls, small additions less than 750 square feet, landscaping, surface parking lot expansion 20% or less of lot size, detached garages and carports designed for no more than two automobiles. She noted that decks were not listed and felt that they should be included.

Susan Istenes recommended adding decks (less than 750 square feet) to be included in the exceptions and also to the ordinance.

Alderman Boulton commented that a deck is probably the easiest structure to build around a tree and wasn't sure why decks would be of any concern.

Alderman Harris' commented that her concern is the fact that a low cost project should not cause the homeowner to pay an exuberant cost to replace a tree.

City Attorney O'Keefe clarified that the Board would be amending Section 405.4090, page 8-9, of the bill that would include a new third paragraph *"In any event as to any project subject to the requirements for tree replacement payment solely by reason of requiring ARB review pursuant to Section 405.402 which is in this ordinance above contributions to the Clayton Forestry Fund shall not exceed 25% of the total cost of the project if the project is eligible for exclusion for ARB consideration under Section 400.150 or if the project involves construction of a deck 750 square feet or less"*.

Alderman Winings said he is not sure where the 25% came from and was the idea of the project qualifying for administrative approval captured.

Alderman Harris stated that the 25% was a number that she suggested and City Attorney O'Keefe confirmed that "eligible" was captured in the text.

Mr. Sanger stated with all due respect he feels the Board is trying to "jam it together" and feels that it would be best to give it back to Susan Istenes and let her put together and research everything that was discussed and then come back before the Board.

Mayor Goldstein agreed with Mr. Sanger and stated that she feels they made a lot of progress and are now moving in a direction for the Board to vote and get closure about what is fair to the existing homeowner.

Alderman Boulton said that she would like to see a minimum number (cost) and a cap.

In response to Alderman Maddox-Dallas's question, City Attorney O'Keefe explained that as a general rule statutory construction and statutory drafts containing "soft" words like guidelines, principles, and goals are virtually unenforceable against the unwilling. They work very well in 90% of the time where there are willing participants in the process, but those are never the problem areas. The problems arise when they have an unwilling participant in the process and unless there is the authority of law and precision in the language of the law it is almost impossible to sustain enforcement against an unwilling participant of the process.

Alderman Garnholz asked should this all be codified or is it sufficient to have policy and guidelines giving the ARB and the Plan Commission some discretion.

City Attorney O'Keefe said that he doesn't think it's a question of lack of discretion or denying them discretion, it's a question of whether or not the exercise of discretion can be enforced.

Alderman Garnholz maintained that she would like for the ordinance to apply only to completely new construction because that is where it is of the most value and makes by far the most sense.

Alderman Maddox-Dallas agreed with Alderman Garnholz.

Alderman Boulton said that she wishes that the ordinance included all landmark trees despite whether there is construction or not.

Alderman Harris moved to withdraw the motion to introduce Bill No. 6314.1. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER AN AMENDMENT TO THE FISCAL YEAR 2012 BUDGET

City Manager Owens reported that as a best management practice, the City of Clayton reviews and makes adjustments to its revenues and expenditures on a quarterly basis to respond to changes as the fiscal year progresses. As part of the quarterly budget review, staff is presenting for your consideration the following amendment to the Fiscal Year (FY) 2012 budget. The proposed amendment was previously provided to the Board for their review.

City Manager Owens noted two corrections: (1) General Fund - Revenue should be \$83,106 decrease (instead of \$132,406) and the Special Business District Fund – Expenditures should be \$11,080 (instead of \$11,800) increase.

Recommendation is to approve the ordinance adopting amendments to the FY 2012 budget as proposed.

Alderman Harris introduced Bill No. 6320, to consider approving a budget amendment for FY2012 to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6320, to consider approving a budget amendment for FY2012 for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6320, to consider approving a budget amendment for FY2012 to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6320 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6202 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH VEE-JAY CEMENT CONTRACTING CO, INC. TO COMPLETE THE SHAW PARK TENNIS CENTER PROJECT

City Manager Owens reported that the Parks and Recreation Department held a bid opening for the Shaw Park Tennis Center Project. Three companies submitted bids for this project. The base bid included the removal of nine of the existing courts and the construction of post-tension concrete courts in place of the existing asphalt courts. Several options were given as bid alternates and include the following:

- 1) Construction of Court #10
- 2) Replacement of fence for courts #1-#9
- 3) Replacement of fence for court #10
- 4) Installation of Decoturf II cushioned surface on courts #1-#9
- 5) Installation of Decoturf II cushioned surface on court #10
- 6) Replacement of lights with LED fixtures on 3 courts
- 7) Replacement of lights with LED fixtures on 6 courts
- 8) Replacement of lights with LED fixtures on 9 courts

The bid results are listed below:

Bidder	Base Bid	Bid Alternates		
Byrne & Jones Construction	\$709,000	1) \$109,240 4) \$102,600 7) \$195,500	2) \$18,260 5) \$18,300 8) \$276,100	3) \$10,790 6) \$95,140
Vee-Jay Cement Contracting Co, Inc.	\$519,910	1) \$54,927 4) \$85,320 7) \$165,726	2) \$18,797 5) \$10,380 8) \$239,389	3) \$4,422 6) \$80,755
AHAL Hardscapes	\$793,324	1) \$101,854 4) \$104,923 7) \$173,620	2) \$21,161 5) \$12,480 8) \$232,244	3) \$1,656 6) \$96,043

It is the recommendation of staff to hire Vee-Jay Cement Contracting CO, Inc. to complete this project and that the scope of work for the project should include the base bid work, construction of court #10 (alternate 1), replacement of the fence for all ten courts (alternates 2 & 3), and installation of Decoturf II cushioned acrylic tennis court surface on court #10 (alternate 5). The total for these components of the project will be \$608,436. In addition, staff is recommending a contingency of \$42,600 or approximately 7% of the project costs. Design fees for this project as well as engineering tests and inspections will total \$64,000, bringing the total project cost to \$715,036. The City included \$750,000 in the FY12 Capital Improvement Plan for this project. Staff has subsequently secured a St. Louis County Municipal Park Grant for \$232,000 to assist in funding this project, bringing the total funds available for the project to \$982,000. If approved as submitted, the project would come in nearly \$267,000 under this total.

Consideration was given to the overall project cost in determining which, if any, of the bid alternates to include in the recommendation. Due to the low base bid, it is possible to include court #10 and the new fencing (the base bid called for the reuse of the existing fencing). The use of Decoturf on court #10 is intended to address requests from players who believe the post-

tension concrete is harder on joints than asphalt. The USTA has not found empirical evidence that these courts are any harder on players joints; however, this treatment does afford additional cushioning. It is not widely used in the St. Louis area, which is why we are recommending using it on just one court. If this proves to be effective and desired, the city can do additional courts in the future.

If the contract is approved tonight the contractor will begin the project by the end of May and complete construction in early fall.

Staff recommendation is to approve the base bid and bid alternates 1, 2, 3, and 5 from Vee-Jay Cement Contracting Co, Inc. for the Shaw Park Tennis Center Project.

Alderman Harris introduced Bill No. 6321, to consider approving a contract for the Shaw Park Tennis Center Project to be read for the first time by title only. Alderman Maddox-Dallas seconded.

Mayor Goldstein commented that this project is a long time coming and she is glad to see it happening.

In response to Alderman Winings questions, Patty DeForrest stated that the pavement has to be replaced during the heat of the summer and they had planned to start a lot earlier, but the schedule was delayed due to MSD issues.

Eric Gruenenfelder said that staff has been working on securing alternate locations for user groups and residents, talking with University City, Kirkwood, and Brentwood who are all agreeable to have the residents use their courts. They have communicated to Washington University and are hopeful to secure their courts as well. They will communicate the information on the website, sending out emails, *CityViews*, and are posting notices at the site.

Mr. Gruenenfelder explained the use of Decoturf concept which is not used at all in outdoor courts in St. Louis. They are basically testing it out on one court to see if it will hold up to the outdoor elements and will determine whether or not they will be applied to the other courts in the future.

City Attorney O'Keefe reads Bill No. 6321, to consider approving a contract for the Shaw Park Tennis Center Project for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6321, to consider approving a contract for the Shaw Park Tennis Center Project to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6321 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6203 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING A CONTRACT EXTENSION WITH LAND DESIGN SERVICES FOR LANDSCAPE SERVICES

City Manager Owens reported that this is a resolution approving a six-month contract extension with Land Design Services.

In 2000, the City of Clayton contracted with Land Design Services to provide landscape review services associated with private development in Clayton.

In an effort to explore the possibility of expanding the scope of services, in January, 2009, the City issued a Request for Proposal (RFP) for landscape architectural services. A sub-committee consisting of the Planning Director, the Senior Planner, the City's Certified Arborist and the Parks Superintendent was formed to review the proposals. Eight proposals were received; five companies were chosen to interview. After the interviews and after a complete site plan review was conducted, the committee unanimously decided to retain the existing contract holder, Land Design Services (LDS).

The current contract provided terms for three (3) years with the following hourly rates:

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|-------------------------------------|--------------------------------|
| ▪ June 1, 2009 through May 31, 2010 | \$114 per hour |
| ▪ June 1, 2010 through May 31, 2011 | \$122 per hour (7.0% increase) |
| ▪ June 1, 2011 through May 31, 2012 | \$130 per hour (6.6% increase) |

Staff is requesting this 6 month extension to allow additional time for staff to determine if the contract should be renewed with Land Design Services or if this service should be re-bid. In addition, the scope of services may be expanded to provide additional services pending the outcome of the proposed Tree/Landscape Ordinance which is currently under review. Recommendation is to approve the Resolution.

Alderman Harris moved to approve Resolution No. 12-13, to extend the contract for landscape architectural services. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION ENDORSING THE GATEWAY BIKE PLAN

City Manager Owens reported that the Gateway Bike Plan is a result of a collaborative effort between the Great Rivers Greenway District, Missouri Department of Transportation, East-West Gateway Council of Governments, Metro, numerous municipalities, St. Louis and St. Charles counties, City of St. Louis and Trailnet. The Gateway Bike Plan provides a long-term vision for providing a connected system of on-road bicycle routes between and among communities, transit, greenways and trails. The Plan was completed in August 2011 and covers St. Louis County, City of St. Louis, and the urbanized communities of St. Charles County.

During the 16 month planning process, the development of the Plan included wide-reaching public engagement and involvement, as well as consultation with numerous stakeholders and agencies in the greater St. Louis region. A variety of interests, from citizens, elected officials and their staff to local, County and State transportation agencies, were consulted.

The Plan provides both a coordinated vision for accommodating and encouraging bicycling as a viable transportation mode, and practical action strategies for how to achieve this vision over the next 20 years. By working as a unified region across political boundaries, citizens will have access to one of the larger bicycle networks in the United States. The Plan includes detailed maps as well as strategic actions to achieve the recommended facilities along with education, enforcement and encouragement programs.

To implement the Plan, Great Rivers Greenway is working with the various partners to endorse or adopt the Plan within their jurisdiction. Recognizing the long-term vision and in view of scarce funding options, the Plan identified a prioritization methodology to assist the various public

agencies responsible for implementing the regional network. Destinations such as transit stations, employment centers, town centers, colleges and universities, regional parks, and on-street facilities that connect to trails were identified. Maps show priority areas and identifies near (2011-2017), medium (2018-2023) and long-term (2023-2031) priorities.

Recommendation is to approve the resolution adopting the Gateway Bike Plan.

Alderman Harris moved to approve Resolution No. 12-14 to endorse the Great Rivers Greenway Gateway Bike Plan. Alderman Maddox-Dallas seconded.

Mayor Goldstein commented that this is an issue that is important to her and seeing the summary of the resolution and the things that the Board has done, Vision 2013, Downtown Clayton Master Plan, bikable/walkable communities, and complete streets it seems that it fits in philosophically with where the city is in terms of healthy living and alternative modes of transportation. If the resolution is passed she is delighted that they are making a statement to the region that this is important and she hopes that other municipalities follow suit.

The motion passed unanimously on a voice vote.

Other

Mayor Goldstein reported that she attended the Arbor Day celebration with Mike Pratt and Gary Scheipeter and that it was a very good event. She noted that she was the first mayor from Clayton to ever attend the event.

Mayor Goldstein announced that she would be attending a seminar presented by Citizens for Modern Transportation *"Let's Build Around Light Rail"* next week.

Mayor Goldstein reported that the State Legislature has passed a bill and the verbiage is now being considered in the Senate that would close down the Sue Shear Institute, a non-partisan organization that supports women in public life (elected office, appointments, etc.). The bill would do away with the Institute or *"any other institute that engages in political activity or whose operations consist of the following or have any connection whatsoever and the furtherance of the following: (1) tracking the participation of women at various levels of government; (2) increasing the presence of women on boards and commissions; (3) training college women leaders; (4) increasing the number of women in policy-making positions in government; and finally (5) encouraging women to seek public office."* She said that this would affect *"public and private institutions of higher learning"*. The way it is written has a lot of other ramifications, the verbiage has been added on to other legislation. She stressed that this Board is not representative of the demographics of women in office because at the State level 21% of the Missouri Legislature is women and she wanted to make sure that the Board is aware of what was happening and said that this is unconstitutional.

Alderman Garnholz welcomed the new aldermen.

Alderman Berger expressed his concerns regarding restaurant food and other disposables of garbage which is a significant issue that was brought to his mind based on a couple of restaurants opening in Ward 3. He recommend that they discuss the 51% food and beverage issue at a future discussion session and feels it warrants further conversation on the subject

There being no further business the meeting adjourned at 8:45 p.m.

Mayor

ATTEST:

City Clerk